

**MINUTES
CORRECTIONS STANDARDS AUTHORITY MEETING
THURSDAY, MARCH 10, 2011
600 BERCUT DRIVE
SACRAMENTO, CA 95811
(916) 445-5073**

Meeting held at: Corrections Standards Authority, 660 Bercut Drive, Sacramento, CA 95811

The meeting commenced at 1:10 p.m.

Secretary Matthew Cate welcomed the Board Members and public to the March 10, 2011 Corrections Standards Authority (CSA) meeting.

Ms. Pargas called roll.

The following members were in attendance:

Secretary Cate	Ms. Minor	Mr. Ingrassia	Ms. Mello
Mr. Kernan	Ms. Penner	Dr. Silbert	Ms. McBrayer
Ms. Silva	Ms. Arnold	Ms. Biondi	

ABSENCE OF BOARD MEMBERS

Ms. Pargas announced that Mr. Prieto, Mr. Baca, Ms. Bates, Ms. Campbell, Ms. Epps, and Mr. Adams had prior commitments. There was a quorum.

Debbie Rives welcomed back Kara Houston from CDCR Legal Affairs.

Ms. Rives also gave an update on each CSA division. CFC hosted an SB 81 contractual agreement workshop in January which was well attended. They have also been involved in SB 81 kick-off meetings in order to introduce the local agency representatives to points of contact within the state departments they will be working with.

CPP has submitted the Youthful Offender Block Grant and JJCPA annual reports for administrative review. They have also convened ESCs for Title II and JABG for Evidence Based Practices.

FSO's inspections are behind due to travel restrictions but are working to get them done as best as possible. They have also convened an ESC for the Adult Titles 15 and 24 Regulations Revision Process and are conducting Juvenile Detention Profile Survey trainings throughout the state.

STC has concluded a lengthy project involving the development of hearing standards for adult state correctional officers.

CONSENT AGENDA ITEMS

APPROVAL OF THE MINUTES OF THE JANUARY 13, 2011 MEETING

(AGENDA ITEM A)

SACRAMENTO COUNTY YOUTH DETENTION FACILITY CROWDING UPDATE

(AGENDA ITEM B)

STATE WORKFORCE STANDARDS DEVELOPMENT UPDATE

(AGENDA ITEM C)

2011 FEDERAL JUVENILE JUSTICE GRANT APPLICATIONS

(AGENDA ITEM D)

AB 900 LOCAL JAIL CONSTRUCTION PROGRAM FINANCING – EMERGENCY
AMENDMENTS TO THE REGULATIONS

(AGENDA ITEM E)

Secretary Cate asked for a motion to accept the consent calendar agenda items A, B, C, D, and E.

**A motion to approve the Consent Calendar was made by Mr. Ingrassia and
seconded by Ms. Penner. The motion carried.**

There was no public comment.

Ms. Rives announced that a special session Board Meeting will need to be held via conference call in mid April in order to approve the minutes from this Board Meeting.

DISCUSSION AGENDA ITEMS:

TITLE II FORMULA BLOCK GRANT REQUEST FOR QUALIFICATIONS

(AGENDA ITEM F)

This item was presented by Shaline Hunter. At the recommendation of the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP), this agenda item sought Corrections Standards Authority Board approval to release a Request for Qualifications (RFQ) as the first phase of a competitive process that will award Title II Formula Block Grant funds to juvenile justice constituents and eligible applicants throughout the state.

With a focus of supporting counties in serving at-risk and system involved youth, CSA blends State and Federal funding streams strategically to provide both direct services and systems improvement/reform. State funds (JJCPA, YOBG, etc) support county efforts to rehabilitate and supervise youthful offenders, and to implement continuums of care in their juvenile justice systems. In turn, Federal funds (Title II, DMC, JABG) ensure the effective and efficient use of State funds by focusing on systems development and implementation geared toward best

practices and creative innovations for service delivery.

The Title II Formula Grant program supports state and local efforts preventing at-risk youth from entering the juvenile justice system and/or intervene with first-time and non-serious offenders to provide services that maximize their chances of leading productive and successful lives.

Roughly \$4.6 million, of the \$7 million California receives annually must be awarded on a competitive basis, using criteria developed by the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) and resultant sub-grants must be consistent with the federal statute - the Juvenile Justice and Delinquency Prevention (JJDP) Act - that supports states in delinquency prevention, intervention and system improvements.

As the largest federal allocation among all other states and territories, California's SACJJDP has dedicated these funds for three specific priority areas supporting system improvement which are Alternatives to detention, Restorative Justice Programs and Holistic Approaches to Offender Counsel.

On October 13, 2010, the SACJJDP approved establishment of an Executive Steering Committee (ESC) and timeline necessary to support administration of a Title II Formula Grant Request for Proposal (RFP).

To manage the scope of the highly anticipated Title II RFP staff has worked in consultation with CSA Researcher, Dr. John Kohls to develop a process that will ensure fairness and equity across the State. As such, the process will consist of two phases.

In Phase I, an applicant will be required to submit a qualifications document based upon a Request for Qualifications (RFQ) to be issued by the CSA, describing their proposed program. This will entail a program description, a description of aspects of the program design, and a fact sheet for describing various aspects of the applicant's organization. All of which will consist of no more than 5 pages.

The Title II ESC members will review and evaluate each of the qualifications documents and determine the top approximate 30 ranked applicants that will be invited to compete in Phase II of the proposal evaluation process. In Phase II of the proposal evaluation process, the top ranked applicants will be asked to provide a more detailed description of their program. A maximum of eight pages will be allowed.

Applicants will then be ranked based upon the contents of the proposals against rating criteria approved by the SACJJDP. Final award decisions will be brought forward to the CSA Board for consideration in November and Grant funds will be awarded in rank order until the approximate \$4.6 million has been fully allocated.

Staff recommended the CSA Board approve the release of Phase I of the Title II Formula Block Grant – Request for Qualifications (RFQ) to all eligible applicants throughout the state.

A motion to approve the staff recommendations was made by Ms. Biondi and seconded by Dr. Silbert. The motion carried.

Ms. McBrayer abstained herself from the vote.

Ms. Biondi asked about the interest level as well as if a center which belonged to a law school would be eligible. Ms. Hunter responded that the interest level was significant and that the only agencies that would not be eligible are school districts.

Ms. McBrayer responded that clarification would be needed from the federal consultant to see what was meant by school districts.

STATE CORRECTIONAL OFFICER HEARING STANDARDS (AGENDA ITEM G)

This information item was presented by Shelley Montgomery and was included to inform the Corrections Standards Authority Board about research and findings for the development of hearing standards for State Correctional Officer applicants.

The hearing standard for entry-level Correctional Officers was last updated in 1992. To establish a hearing standard in 2011, CSA took the following actions:

- Supplemented existing job analyses with research that supplies additional information on hearing-critical job functions and activities that represent the current job.
- Incorporated scientific advances in research methods related to hearing abilities to produce a standard supported by strong empirical evidence.
- Measured and recorded background noise in a representative sample of prisons.
- Utilized advanced, standardized statistical methods for analyzing workplace noise environments to determine their impact on hearing-critical job functions.
- Incorporated recent methods to test hearing ability, especially as they relate to speech communication in quiet and in noisy environments.
- Supplemented the methods used to test hearing ability so that individuals with auditory prostheses (hearing aids, cochlear implants, and other devices) can be tested.

Highlights of the research findings were as follows:

- Correctional Officers must rely on effective speech communication to perform hearing-critical job functions such as responding to a variety of disturbances and emergencies, communicating orally with inmates or other Correctional Officers, and coordinating movements with other Correctional Officers.
- Speech communication is a frequently used and demanding job function in the prison environment.
- More than 28% of the cues for detecting incidents and emergencies are exclusively based on hearing, and another 23% involve hearing as a critical component.

- Correctional Officers must defend themselves while wearing protective headgear and other protective equipment during certain adversarial encounters such as cell extractions and riots. This protective headgear may interfere with the use of auditory prostheses.
- Hearing-critical functions are performed during all shifts.
- Background noise levels in prison environments where Correctional Officers perform hearing-critical job functions are measured in decibels, abbreviated dB (A). The measurements in a variety of locations within the prisons ranged from almost 90 dB(A) at its loudest to 62 dB(A) at its softest, with average values between about 70 dB(A)—this would be subjectively characterized as “loud”—and 85 dB(A) —this would be subjectively characterized as “exceptionally loud.”
- The likelihood of effective speech communication in prison noise environments for a person with normal hearing ranges from less than 20% when normal vocal effort is used up to 100% when shouted effort is used.
- Even small reductions in effective speech communication caused by hearing impairment can have substantial adverse consequences because effective communication is already made difficult by the background noise levels in prisons.
- Measures of speech recognition in noise are better predictors of functional hearing abilities used by Correctional Officers to perform hearing-critical job functions than traditional measures based on pure-tone audiometry.

Screening Test and Standard:

The most appropriate and valid test for evaluating the functional hearing ability of applicants for the Correctional Officer position is the Hearing in Noise Test (HINT). The HINT provides better objective prediction of an applicant’s ability to perform hearing-critical job functions than do measures of hearing sensitivity obtained with other methods such as pure-tone audiometry.

The new standard is based on measures of speech recognition in quiet and in a background noise condition that is representative of the levels existent in the Correctional Officer’s workplace. The screening criterion in quiet is 27 dB (A) or less. In noise at 75 dB (A) the screening criterion is 71 dB (A) or less, corresponding to a signal/noise ratio of -4.0 dB or lower.

Ms. Biondi asked if officers would be retested once they were in the position in order to check for hearing loss. Ms. Montgomery responded that the mandate to CSA was to test only entry level hearing standards. However, CDCR’s Wellness Division has been kept up to date on the development of these hearing standards and may find the standards and the testing protocol useful when conducting fitness for duty evaluations.

Ms. Mello asked what the standard was in 1992 to which Ms. Montgomery answered that it was normal, pure tone hearing which was the same as the Peace Officer Standard and Training’s guidelines for patrol officers. The new hearing standard is directly related to the Correctional Officer position.

Secretary Cate thanked the team and professional staff for all the work and progress being made towards ensuring CDCR has the best qualified officers.

There was no public comment.

**SB 81 LOCAL YOUTHFUL OFFENDER REHABILITATIVE FACILITIES
CONSTRUCTION FINANCING UPDATE (AGENDA ITEM H)**

This agenda item was presented by Charlene Aboytes. In January 2009, fourteen counties submitted proposals for lease-revenue bond financing through the SB 81 Local Youthful Offender Rehabilitative Facilities Construction Financing Program. Since 2009, the Corrections Standards Authority has provided conditional awards to all fourteen of the counties that submitted proposals.

As a long-standing requirement of receiving state financing for local detention facility construction, counties so awarded are required to provide to CSA a site assurance for their local facility site within a specified period of time from being noticed of the funding award. The purpose of this site assurance requirement is to avoid potential delays in project startup while a county works to obtain an appropriate site. In the SB 81 process, the site assurance time period was defined as 90 days from notice of award, as outlined in the Request for Proposals.

For those counties initially conditionally awarded in this process, Alameda, Stanislaus, San Luis Obispo, Santa Cruz, Tuolumne, and Shasta counties provided site assurance for their projects in 2009. Conditionally awarded in November 2010, Santa Clara, Riverside, Merced, and Colusa counties provided their site assurance with their submitted proposals in 2009. Los Angeles, Humboldt, and Yolo counties submitted their site assurance within the specified 90-day timeframe, earlier this month. Monterey County is requesting a time extension. While a site for a new juvenile justice center within the county's existing real estate holdings has been identified, this time extension is being requested to determine the boundaries of the site and for public input. During this time extension, preliminary work will begin on any EIR and CEQA requirements.

The receipt of site assurance is the first step for counties to complete in this construction financing process. With the knowledge that all of the SB 81 counties have provided their site assurance, CSA staff will be working with staff at the Department of General Services to convene a workshop to provide counties with valuable information on completing the real estate due diligence for their SB 81 project.

Another future step is the development of a second Request for Proposals. In preparation for that activity, CSA staff has asked that the California Chief Probation Officers Association to query the field to determine the level of interest in the remaining financing authority of \$67.8 million. Not all counties have responded; however, of those that have, eight have expressed interest and 15 counties have indicated that they are not interested. By the May Board meeting, it is anticipated that responses will have been received from the remaining counties. With that information, staff will be in a better position to begin the process of convening an Executive Steering Committee to develop another Request for Proposals for additional counties to apply for any remaining funds.

Staff recommended that the Board determine whether each of the seven conditionally awarded counties from November 18, 2010 have met the project site assurance requirement and therefore continue in the SB 81 financing process. Staff also recommended that the Board approve Monterey County continuing in the SB 81 financing process and grant the County's request for an extension of time to March 2012 in order to meet the site assurance requirements.

A motion to approve the staff recommendations was made by Ms. McBrayer and seconded by Ms. Arnold. The motion carried.

Ms. Biondi asked if a county could apply during the second Request for Proposals if they had already been offered a conditional award under SB 81 to which Ms. Aboytes responded that they could if it was a completely different project.

Secretary Cate asked Jose Ramirez from the Monterey County Probation Department why they needed the one year time extension.

Mr. Ramirez answered that it was just to remain on the safe side.

There was no public comment.

**LOS ANGELES COUNTY JUVENILE HALLS DETERMINATION OF SUITABILITY
(AGENDA ITEM D)**

This agenda item was presented by Toni Gardner. The item is before the Corrections Standards Authority (CSA) Board for a determination of the suitability of Los Angeles County's Central, Los Padrinos and Barry J. Nidorf juvenile halls. It was continued to this date by Board action at its September 9, 2010 meeting.

The CSA is mandated by Section 209, Welfare and Institutions Code (WIC) to biennially inspect all juvenile halls and special purpose juvenile halls. Title 15 Section 1313, California Code of Regulations (CCR) further mandates each facility administrator to obtain local specialized inspections including building safety, nutrition, fire safety, medical and mental health conditions. Per Health and Safety Code, Section 101045, the local health officer is responsible for conducting health inspections of local facilities. These inspections are conducted by local experts and are incorporated in CSA's overall inspection product. In the event a juvenile hall or special purpose juvenile hall is found out of compliance with one or more of the minimum standards for juvenile facilities contained within Titles 15 or 24, California Code of Regulations, the probation department is required to file a Corrective Action Plan (CAP) within 60 days of having received notice from CSA of noncompliance. If any of the issues of noncompliance are not resolved within 90 days of submission of the CAP, CSA is to make a determination of suitability at its next scheduled meeting.

Los Angeles County's Central, Los Padrinos and Barry J. Nidorf Juvenile Halls failed to resolve nutritional noncompliance issues cited by Los Angeles County Public Health Department within the time frame specified in WIC §209(d) and appeared at the September 9, 2010 Board meeting for a determination of suitability. After hearing a status report from Los Angeles County Public

Health inspectors Philip Dao and Scott Kirk, Los Angeles County Chief Probation Officer Donald Blevins and Los Angeles County Probation Nutritional Consultant Stephanie Sasnauskus, the board continued the determination of suitability to today's meeting.

During the 2008-2010 CSA biennial inspection of the Central, Los Padrinos and Barry J. Nidorf juvenile halls, each facility was found out of compliance with Title 15 sections 1460, 1461, 1462, 1463 and 1464 relating to nutrition. All were multi-year violations.

The CSA inspection letter was mailed on January 25, 2010, informing the department of the areas of noncompliance and establishing March 31, 2010 as the deadline for providing a CAP to address the deficiencies identified during the inspection. The CAP was received by CSA on that date and contained matrices for each facility, outlining steps that had been taken toward achieving compliance. The letter and attachments were reviewed by CSA staff and filed as the Corrective Action Plan as required by Section 209 (d), WIC. That code section authorizes the CSA to approve the CAP and monitor the facility to ensure completion of the plan within 90 days. The close of the timeframe for the resolution of items outlined in the CAP was June 29, 2010.

A key piece of the CAP was the recruitment and hiring of a Registered Dietician to serve as the department's nutritional consultant. Upon her hiring on June 1, 2010, work immediately began to correct the nutritional deficiencies. However, implementation of all corrections was not accomplished by the conclusion of the 90 day period and the matter of the determination of suitability was heard at the September 9, 2010 CSA Board meeting. Following the presentation on the progress made toward correction, the CSA Board continued the determination of suitability for six months to allow full implementation of the revised menus and food service plan and to obtain required medical approval for therapeutic diets.

CSA staff have had ongoing communication with staff from both the probation and public health departments. Ms. Sasnauskus regularly shares details of progress toward completion as well as anticipated delays, including budgetary limitations which have slowed implementation of the revised menus. As of the date of this writing, full implementation has yet to be achieved, but progress continues to be made. CSA staff last met with Mr. Dao and Mr. Kirk on February 10, 2011. They are aware of the progress made and delays in implementation and, as of our meeting date, confirmed that outstanding areas of noncompliance have not been fully corrected.

The Board discussed with Chief Probation Officer Don Blevins the final steps in resolving the problems with the menus. He will request the funding for the revised menus at the Board of Supervisor's meeting on March 15th. Chief Blevins hopes this issue will be resolved within 60 days but it would be up to the vendor to implement the changes.

Ms. Gardner noted that the health inspector must also return to the juvenile halls and sign off on the areas of nutritional noncompliance.

A motion to grant a continuance until the next Board Meeting in May, at which time suitability will be determined was made by Ms. Penner and seconded by Dr. Silbert. The motion carried.

Los Angeles County will be up for a determination of suitability at the May 12, 2011 meeting.

There was no public comment.

LOS ANGELES COUNTY JUVENILE HALLS CROWDING UPDATE (AGENDA ITEM J)

This item was presented by Toni Gardner. This information item reported on the status of crowding at Los Angeles County's Central, Los Padrinos and Barry J. Nidorf Juvenile Halls. The Corrections Standards Authority (CSA) is mandated under Section 209(e), Welfare and Institutions Code (WIC) to determine the suitability of California juvenile halls when issues of noncompliance arise from sustained occupancy levels that are above the population capacity. As part of Los Angeles County Probation Department's January 6, 2009 Suitability Plan (SP), CSA staff have monitored the crowding and totality of conditions at the Los Angeles County juvenile halls and made regular reports to the CSA Board.

As a result of outstanding areas of noncompliance, including crowding, which were cited in the 2006-2008 CSA inspection cycle, the CSA Board considered the matter of the suitability of Los Angeles County's juvenile halls for the confinement of minors at its September 2008, November 2008, and January 2009 meetings. At the January 8, 2009 meeting, the CSA Board found the Los Angeles County Juvenile Halls suitable for the confinement of minors, following the implementation of the suitability plan (SP) dated January 6, 2009. The Board requested that a representative from the Los Angeles County Probation Department be present at future CSA Board meetings to provide a report on the status of the crowding at the juvenile halls. The Chief Probation Officer or his representative has reported on the county's progress in implementing the SP at the March 19, 2009, May 21, 2009, September 10, 2009, March 11, 2010 and September 9, 2010 Board meetings. Those status reports cited progress made in eliminating crowding and improving conditions of confinement.

As part of the SP, Los Angeles County Probation Department provides CSA staff with detailed population accounting for the three juvenile halls. Since the January 8, 2009 board meeting, Los Angeles County has maintained the population of each unit at each of its juvenile halls below the limits specified in the SP with minor exceptions. Additionally, each unit of each juvenile hall has been at or below its rated capacity (RC) every day since March 12, 2010, with a single exception. The reduction in population is even more striking when viewed from the system wide perspective. The Detention Services Bureau has reduced its juvenile hall average daily population by 687 since a high of 1,810 in 2010. The population has been reduced by 481 since their Board appearance in 2008.

In addition to reviewing population data from the county, CSA staff have made quarterly visits to the juvenile halls in order to assess the totality of conditions. The most recent visit occurred on January 5, 2011. Los Angeles County has worked within its suitability plan for over two years and has been successful in achieving and sustaining a significant population reduction. Chief Blevins and CSA staff requested that no further updates be required of Los Angeles County. If future crowding was to occur, the county would be required to follow the procedures for reporting occurrences of crowding outlined on the CSA website:

http://www.cdcr.ca.gov/CSA/FSO/Docs/Form_Juvenile_crowding_assessment_10_final.doc

Staff recommended that no future crowding updates be required of Los Angeles County, relating to the January 8, 2009 Board action in finding the county's juvenile halls suitable for the confinement of minors.

Dr. Silbert wished to officially commend Los Angeles for their accomplishments in reducing their population.

Secretary Cate asked for a motion to approve staff recommendations.

A motion to approve the staff recommendations was made by Ms. Penner and seconded by Ms. Arnold. The motion carried.

There was no public

PUBLIC COMMENT

(AGENDA ITEM K)

Secretary Cate asked if there was any public comment. There was none.

Next meeting: Thursday, May 12, 2011 at 1:00 p.m. in Sacramento, CA.

Meeting adjourned at 2:40 p.m.

Respectfully submitted,

Originally signed by

ROSA PARGAS
Secretary
Corrections Standards Authority

ROSTER OF PERSONS IN ATTENDANCE

CSA Board Members

Mr. Cate, Secretary, CDCR
Mr. Kernan, Undersecretary, CDCR
Ms. Silva, Administrator, Juvenile Justice, CDCR
Ms. Minor, Chief, Division of Adult Programs, CDCR
Ms. Penner, Fresno County Probation Department
Ms. Arnold, Tuolumne County Probation Department
Mr. Ingrassia, San Diego County Sheriff's Department
Dr. Silbert, Delancey Street Foundation
Ms. Biondi, Public Member

Ms. Mello, Correctional Officer, CDCR
Ms. McBrayer, The Children's Initiative

CSA Staff

Debbie A. Rives, Executive Director (A)
Rosa Pargas, Secretary
Robert Takeshta, Deputy Director, CFC
Marlon Yarber, Deputy Director, CPP
Gary Wion, Deputy Director, FSO
Evonne Garner, Deputy Director (A), STC
Toni Gardner, Field Representative, FSO
Charlene Aboytes, Field Representative, CFC
Shaline Hunter, Field Representative, CPP
Shelley Montgomery, Project Manager, STC
Kasey Stevens, Research Program Specialist I, STC
Kara Houston, Attorney, CDCR Legal